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Attorneys for Defendants KATHLEEN ALLISON,
in her official capacity as Secretary of the California Department
of Corrections and Rehabilitation; and PATRICK COVELLO,
in his official capacity as Warden of California Department of
Corrections and Rehabilitation Mule Creek State Prison

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

CALIFORNIA SPORTFISHING
PROTECTION ALLIANCE,

Plaintiff,

v.

KATHLEEN ALLISON, in her official
capacity as Secretary of the California
Department of Corrections and Rehabilitation,

Defendant.

COUNTY OF AMADOR, *a public agency of
the State of California*,

Plaintiff,

v.

KATHLEEN ALLISON, in her official
capacity as Secretary of the California
Department of Corrections and Rehabilitation;
and PATRICK COVELLO, in his official
capacity as Warden of California Department
of Corrections and Rehabilitation Mule Creek
State Prison,

Defendants.

Case No. 2:20-CV-02482-WBS-AC
[consolidated with 2:21-CV-00038-WBS-AC]

**DEFENDANTS' APPENDIX OF
EXHIBITS IN SUPPORT OF
OPPOSITION TO PLAINTIFFS
COUNTY OF AMADOR'S AND
CALIFORNIA SPORTFISHING
PROTECTION ALLIANCE'S MOTION
FOR SUMMARY ADJUDICATION**

Date: August 22, 2022

Time: 1:30 p.m.

Judge: Hon. William B. Shubb
Ctrm. 5

(Federal Water Pollution Control Act, 33
U.S.C. §§ 1251 to 1387)

Final Pretrial Conf.: February 13, 2023
Trial Setting Conf.: April 18, 2023

00053935.1

APPENDIX OF EXHIBITS

Defendants KATHLEEN ALLISON, in her official capacity as Secretary of the California Department of Corrections and Rehabilitation, and PATRICK COVELLO, in his official capacity as Warden of California Department of Corrections and Rehabilitation, Mule Creek State Prison (“Defendants”), hereby submit this Appendix of Exhibits in support of Defendants’ Opposition to Plaintiffs County Of Amador’s And California Sportfishing Protection Alliance’s Motion For Summary Adjudication, concurrently filed.

I. Defendants’ Exhibits

<u>Exhibit</u>	<u>Bates Nos.</u>	<u>Document</u>
A	Defs_000001- Defs_000006	Mule Creek State Prison’s Non-Storm Water Discharge Elimination Plan, dated September 1, 2021 (“Non-Storm Water Discharge Elimination Plan”)
B	Defs_000007- Defs_000014	Mule Creek State Prison’s Revised Non-Storm Water Discharge Elimination Plan, dated May 13, 2022 (“Revised Non-Storm Water Discharge Elimination Plan”)
C	Defs_000015- Defs_000020	State Water Resources Control Board Resolution No. 2022-0006, Adopt the Clean Water Act Section 303(d) List of Impaired Waters for the 2020-2022 California Integrated Report, dated January 19, 2022 (“303(d) List Resolution”)
D	Defs_000021- Defs_000207	Central Valley Region, Regional Board 5, Final California 2020 Integrated Report (303(d) List/305(b) Report), Dry Creek (Sacramento and San Joaquin Counties; partly in Delta Waterways, eastern portion)
E	Defs_000208- Defs_000547	Central Valley Region, Regional Board 5, Final California 2020 Integrated Report (303(d)List/305(b) Report), Mokelumne River, Lower (in Delta Waterways, eastern portion);
F	Defs_000548	Site Plan Showing Water Sampling Locations, Figure 1-5, dated June 2018
G	Defs_000549- Defs_000584	Quantification of Sources of Fecal Pollution at Mule Creek, dated January 2021, prepared by Southern California Coastal Water Research Project for Central Valley Regional Water Quality Control Board and the California Department of Correction and Rehabilitation, (“2021 Sources Fecal Pollution Report”)
H	Defs_000585- Defs_000711	Excerpt from Revised Stormwater Collection System Investigation Report of Findings, revised June 2020, prepared by SHN Engineers & Geologists for California Department of Corrections and Rehabilitation, (“2020 Collection System Investigation Report”)
I	Defs_000712- Defs_000719	State Water Resources Control Board National Pollutant Discharge Elimination System (“NPDES”) General Permit for Storm Water Discharges Associated with Industrial Activities Appendix 2, NPDES No. CAS000001, adopted April 1, 2014
J	Defs_000720- Defs_000735	January 27, 2021 Central Valley Regional Water Quality Control Board Inspection Report
K	Defs_000736- Defs_000879	State Water Resources Control Board Fact Sheet for NPDES General Permit and Waste Discharge Requirements for Storm Water Discharges from Small Municipal Separate Storm Sewer Systems,

		Order No. 2013-0001-DWQ, as Amended by Order 2017-XXXX-DWQ
L	Defs_000880- Defs_000881	Central Valley Regional Water Quality Control Board Rescission of the 14 February 2018 13267 Order, dated June 14, 2021
M	Defs_000882- Defs_000884	Mule Creek State Prison letter to Central Valley Regional Water Quality Control Board, requesting Modifications to the 22 December, 2020 Water Code Section 13383 Order to Monitor Discharges to Surface Water, dated February 24, 2021
N	Defs_000885- Defs_000929	Settlement Agreement and Stipulation for Entry of Administrative Civil Liability Order, Order No. R5-2021-001, dated March 11, 2021
O	Defs_000930- Defs_000931	Mule Creek State Prison letter to Central Valley Regional Water Quality Control Board, Comments to 5 November, 2020 Proposed Reissuance of Water Code Section 13383 Order to Monitor Discharges to Surface Water, dated November 13, 2020
P	Defs_000932- Defs_000934	Mule Creek State Prison letter to Central Valley Regional Water Quality Control Board, Comments to 22 December, 2020 Water Code Section 13383 Order to Monitor Discharges to Surface Water, dated January 21, 2021
Q	Defs_000935- Defs_000950	Central Valley Regional Water Quality Control Board NEC Inspection Report, dated February 11, 2021
R	Defs_000951- Defs_000954	Mule Creek State Prison letter to Central Valley Regional Water Quality Control Board, Comments to the Revised Water Code Section 13383 Order to Monitor Discharges to Surface Water, dated October 8, 2021
S	Defs_000955- Defs_000956	Mule Creek State Prison Information Sheet for NEC Application, dated May 3, 2018, ("NEC Information Sheet")
T	Defs_000957- Defs_000963	Designation of Mule Creek State Prison as Small MS4 Permittee under the Small MS4 General Permit, State Water Resources Control Board Order WQ 2019-0009-EXEC Amending Water Quality Order 2013-0001-DWQ, NPDES No. CAS00004, dated April 24, 2019, ("Small MS4 Designation")
U	Defs_000964- Defs_000967	State Water Resources Control Board Receipts of No Exposure Certification (NEC) Under the Industrial General Permit, first processed May 22, 2018 (Receipt of NEC Under the Industrial General Permit, dated July 27, 2018; Receipt of NEC Under the Industrial General Permit, dated July 5, 2019; Receipt of NEC Under the Industrial General Permit, dated July 3, 2020; Receipt of NEC Under the Industrial General Permit, dated September 23, 2021)

II. Plaintiffs' Exhibits

The following exhibits were submitted to the Court with Plaintiffs' Motion for Summary Adjudication [ECF No. 45 et seq.] and are cited in Defendants' Opposition to Plaintiffs' Motion for Summary Adjudication, concurrently filed. In accordance with Local Rule 260(b), Defendants submit the following exhibits for filing with the Court.

<u>Exhibit</u>	<u>Bates Nos.</u>	<u>Document</u>
6	Pls_000001- Pls_000011	Regional Board Water Code 13383 Order to Monitor Discharges to Surface Water, etc., dated August 6, 2020
7	Pls_000011- Pls_000022	Regional Board Water Code 13383 Order to Monitor Discharges to Surface Water, etc., dated December 22, 2020
8	Pls_000023- Pls_000036	Regional Board Water Code 13383 Order to Monitor Discharges to Surface Water, etc. dated November 29, 2021
9	Pls_000037- Pls_000237	Water Quality Control Plan for the Central Valley Regional Water Quality Control Board for the Sacramento River Basin and San Joaquin River Basin, revised May 2018
10	Pls_000238- Pls_000246	State Water Resources Control Board ("State Board") Part 3 of the Water Quality Control Plan for Inland Surface Waters, Enclosed Bays, and Estuaries of California – Bacteria Provisions and Water Quality Standards Variance Policy, dated February 4, 2019
13	Pls_000247- Pls_000535	National Pollutant Discharge Elimination System ("NPDES") General Permit for Waste Discharge Requirements for Storm Water Discharges from Small Separate Storm Sewer System ("MS4s"), State Board Order 2013-0001-DWQ, NPDES No. CAS00004, adopted February 4, 2013 ("Small MS4 Permit")
14	Pls_000536- Pls_000539	No Exposure Certification ("NEC") to enroll the Facility under the NPDES General Permit Storm Water Discharges Associated with Industrial Activities, WQ Order No. 2014-9957-DWQ, certified May 8, 2018.
15	Pls_000540- Pls_000615	NPDES General Permit Storm Water Discharges Associated with Industrial Activities, NPDES No. CAS000001, adopted April 1, 2014 ("Industrial General Permit").
17	Pls_000616- Pls_000619	Regional Board letter to Patrick Covello, dated February 11, 2022, commenting on the Phase II MS4 Annual Reports and 13383 Order Quarterly Monitoring Reports
24	Pls_000620- Pls_000629	Regional Board Water Code Section 13267 Order for technical and monitoring reports and notice of violation, dated February 4, 2018 [sic]

Dated: August 1, 2022

Respectfully submitted,

HARTMAN KING PC

By: /s/ Jennifer Hartman King

JENNIFER HARTMAN KING

ALANNA LUNGREN

J.R. PARKER

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Attorneys for Defendants

KATHLEEN ALLISON in her capacity as
Secretary of THE CALIFORNIA DEPARTMENT
OF CORRECTIONS AND REHABILITATION;
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